

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ADRIENNE BENSON, *et al.*,

Plaintiffs,

v.

DOUBLE DOWN INTERACTIVE, LLC, *et al.*,

Defendants.

Cause No. C18-0525RSL

ORDER COMPELLING  
PRODUCTION IN RESPONSE TO  
RFP NO. 14


This matter comes before the Court on plaintiffs’ “Motion to Compel Production of Documents Responsive to Plaintiffs’ RFP No. 14.” Dkt. # 211. Plaintiffs seek communications and documents sent, received, or authored after April 9, 2014, by ten individuals and which include the words or phrases “pass\* away, death, suicide, debt, trauma, life event\*, lonely, depress\*, machine zone, middle age\*, divorc\*, elder\*, gambl\*, and addict\*.” Dkt. # 212-1 at 6-7 and 12. Double Down objected to the request for production on numerous grounds, asserted that “it does not believe it is in possession of any responsive documents,” and agreed to “consider search terms related to this request as part of a search conducted pursuant to an ESI agreement proportional to the needs of the case and limited to non-privileged responsive documents regarding DoubleDown Casinos from April 9, 2014 to the present.” Dkt. # 212-2 at 15.

ORDER COMPELLING PRODUCTION  
IN RESPONSE TO RFP NO. 14 - 1

1 In response to plaintiffs' motion to compel a full and complete response to RFP No. 14,  
2 defendant asserts that its oft-repeated promise to search for and, if appropriate, produce  
3 responsive non-privileged communications "subject to agreed-upon search terms and  
4 custodians" means that there is nothing to compel. Dkt. # 221 at 2. In its view, Double Down has  
5 satisfied its discovery obligations. Double Down is incorrect. It does not get to unilaterally  
6 rewrite the opposing party's discovery requests and does not get to choose the custodians, the  
7 search terms, and/or the date of production. Plaintiff served RFP No. 14 in May 2020 and waited  
8 until April 2021 to file this motion to compel. There is nothing rushed, arbitrary, or prejudicial  
9 about expecting a litigant to respond to discovery within thirty days, much less thirteen months.  
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13 For all of the foregoing reasons, plaintiff's motion to compel (Dkt. # 211) is GRANTED.  
14 Double Down shall produce documents in response to RFP No. 14 within fourteen days of the  
15 date of this Order. If any documents are withheld on the grounds of privilege, a privilege log  
16 shall be produced sufficient to allow plaintiffs and the Court to evaluate whether the claimed  
17 privilege applies.  
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20 Dated this 19th day of July, 2021.

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22 Robert S. Lasnik  
23 United States District Judge  
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